

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TAMMY MEANS,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 2:11-cv-01092
v.	)	
	)	Judge Mark R. Hornak
CITY OF McKEESPORT, VERNON	)	
ANDREWS, Police Officer and individually,	)	
McKEESPORT POLICE DEPARTMENT,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

The above captioned case was initiated by the filing of a Complaint (ECF No. 1) on August 24, 2012, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On November 19, 2012, the Magistrate Judge filed a Report and Recommendation (ECF No. 29) recommending that Defendants' Motion to Dismiss (ECF No. 12) be granted in part and denied in part. All parties were served with the Report and Recommendation by electronic filing and were advised that they had until December 6, 2012 to file written objections to the Report and Recommendation. No objections have been filed.

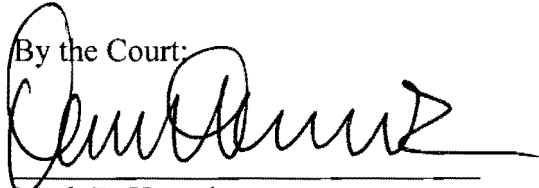
After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 14<sup>th</sup> day of December, 2012:

**IT IS ORDERED** that Defendants' Motion to Dismiss (ECF No. 12) is **GRANTED** as to Amended Complaint (ECF No. 11) Counts IV, V, VII, VIII, IX, X, XI and XII, claims for

punitive damages against the City of McKeesport, and all claims as specifically against “City of McKeesport Police Department,” and **DENIED** as to Counts I, II, III and VI;

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF. No. 29) dated November 19, 2012, is **ADOPTED** as the Opinion of the Court.

By the Court:  
  
Mark R. Hornak  
United States District Judge

cc: All counsel of record  
The Honorable Maureen P. Kelly